

HPSCI
24 March 1989
OCA 1033-89

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MEMORANDUM FOR THE RECORD

SUBJECT: Former Spouses Briefing

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1. On 23 March 1989, Agency representatives of the Retirement Branch of the Office of Personnel briefed Bernie Raimo, a staffer on the House Intelligence Oversight Committee, on the former spouses provision in the FY90 Intelligence Authorization Bill. The representatives were [redacted] [redacted] I attended on behalf of the Office of Congressional Affairs.

2. The purpose of the briefing was to explain the need for the provision, which would eliminate dual entitlements to benefits in certain instances. [redacted] explained that there exists a case in which a former spouse, entitled to a death in service benefit, will be 50 in 1990 and then be entitled to a survivor benefit (the deceased had a spouse and a former spouse). There is nothing in the law as interpreted by the Office of General Counsel which requires the former spouse to choose one benefit over the other. However, it is not believed that the intent of the law was to accord two benefits. The State Department has a similar benefit structure and requires the former spouse to choose; the higher benefit is then received.

3. After a few more questions to explain the two benefits, Mr. Raimo explained that the provision poses no problem and that he will put it into the bill.

4. Mr. Raimo then raised a few other issues regarding former spouses. He believes that sections 221(p), (e) and (m) are duplicative. He asked that someone review this and get back to him. If they are indeed duplicative, the Agency should prepare an amendment in the nature of a technical correction.

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5. He said that he had received a number of telephone calls regarding the five-year problem. He noted that there is not much sentiment for doing away with the requirement and asked for suggested ways of fixing the problem. After some discussion, it was decided that there was no way.

6. He then raised the issue of a setoff for survivor benefits when other Government pensions (besides Social Security) are received. That is, a pension is decreased when a former spouse dies because the recipient was getting a Federal annuity in his or her own right before the death of the former spouse and the law requires a reduction after the death by the amount of the pension. [] thinks State has a similar setoff in a law passed last year. Mr. Raimo asked if the cost to the Government is a large one. [] said that OP will perform projections to determine the cost.

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